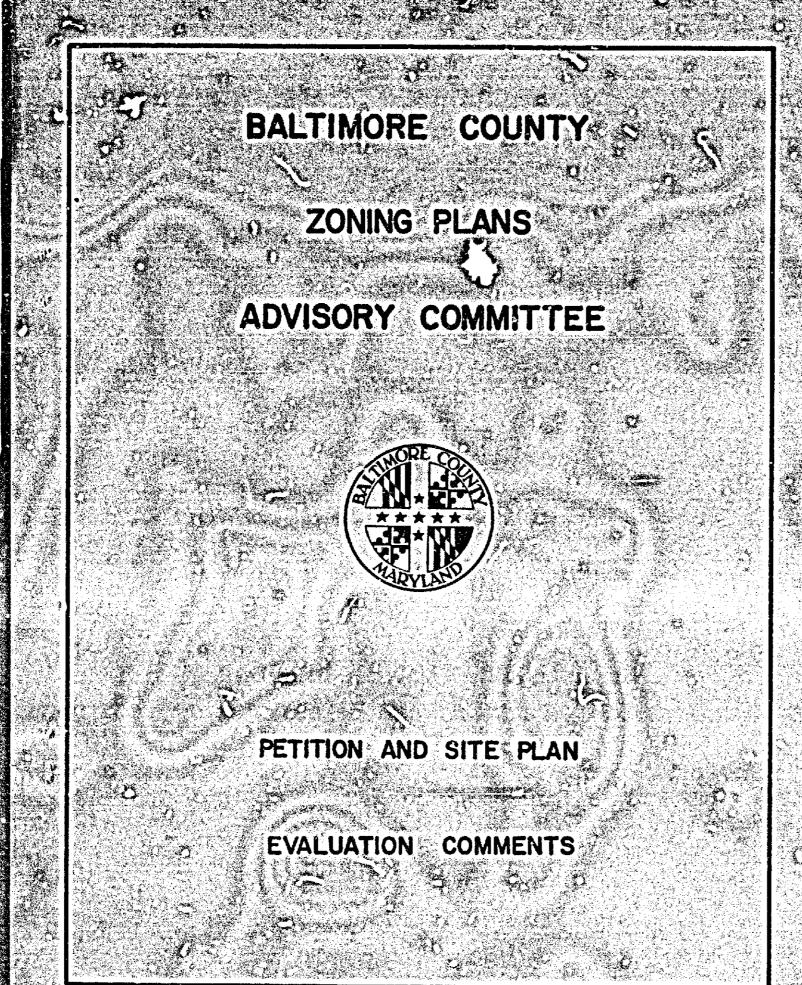
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, they petition for a Variance from Section 400.1 to permit an accessory structure to be located in the side yard in lieu of the required rear yard. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate nardship or practical difficulty) Because of extreme increase in grade in the rear of the property of approximately 16'± in height over a span of 65'± (see attached topo) and the existing location of well, to correct these two situations would place an extraordinary financial burden on the property owners. Because of the above reason, it is necessary to locate pool 15 ft. from septic tank. NOTE: Septic tank is downhill from pool area. Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County. I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Yvon J. A Karen Bergevin DISHMOTA _ Karen Bergwin City and State Item 145 Attorney for Petitioner 14009 Greencroft Lane (Type or Print Name) Cockeysville, Md. 21030 City and State Name, address and phone number of legal owner, con-tract purchaser prepresentative to be contacted e Kou Name Mort Spero/Maryland Pools, Inc. Address Balto., Md. 21228 Phone No. December 19.84., that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 30th day of January 19.85, at 10:15 o'clock ES-199-A BALTIMORE COUNTY OFFICE OF PLANNING & ZONING County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 Your petition has been received and accepted for filing this lith day of December, 1984. Zoning Commissioner Yvon J. Bergevin, et ux Received by Micholas B. Commodari

Chairman, Zoning Plans



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon Date January 17, 1985 TO Joning Commissioner Norman E. Gerber, Director

FROM Office of Planning and Zoning SUBJECT Zoning Petitions No. 85-199-A, 85-204-A. 85-205-A & 85-209-A

NEG:JGH:bjs

There are no comprehensive planning factors requiring comment on this petition.

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE January 17, 1985

COUNTY OFFICE BLDG.

111 W. Chesapeake Ave.
Towson, Maryland 21704

Mr. Mort Spero
Maryland Pools, Inc.
5617 Baltimore National Pike Baltimore, Maryland 21228

Nicholas B. Commodar Chairman RE: Item No. 145 - Case No. 85-199-A Yvon J: Bergevin, et ux

Department of State Roads Commiss Eureau of Fire Prevention Health Department Project Planning Building Department Board of Education

Zoning Administration

Industrial

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written as to the suitability of the requested zoning.

Variance Petition

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for hearing scheduled accordingly.

Very truly yours, Micheles D. Commodare, be NICHOLAS B. COMMODARI Chairman Zoning Plans Advisory Committee

Enclosures

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

cc: Mr. & Mrs. Yvon Bergevin 14009 Greencroft Lane Cockeysville, Md. 21030

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204 January 18, 1985 HARRY J. PISTEL, P. E. DIRECTOR

Mr. Arnold Jablon Zoning Commissioner County Office Building Towson, Maryland 21204

> Re: Item #145 (1984-1985) Property Owner: Yvon J. Bergevin, et ux E/S Greencroft Rd. 296' N. from centerline Spring Green Lane Acres: 1.22 District: 8th

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject

General:

As no public facilities are involved, this office has no comment.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

> WAMES A. MARKLE, P.E., Chief Bureau of Public Services

JAM: EAM: REC:ss

Mr. Arnold Jablon Zoning Commissioner County Office Building Towson, Maryland 21204

Re: Zoning Advisory Meeting of 12/11/84 Property Owner: YVON J. BERGEVINI ET OX Location: E/S GREENCROFT RD, 296' N. OF SPRING GREEN LA.

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The Items checked below are

There are no site planning factors requiring comment.

A County Review Group Mosting is required.

A County Review Group meeting was held and the minutes will be forward by the Bureau of Public Services.

This site is part of a larger tract; therfore it is defined as a subdivision. The plan must show the entire tract.

A record plat will be required and must be recorded prior to issuance of a building permit.

The access is not satisfactory.

The circulation on this site is not satisfactory.

The parking arrangement is not satisfactory. The parking arrangement is not satisfactory.

The parking arrangement is not satisfactory.

Parking calculations must be shown on the plan.

This property contains soils which are defined as wetlands, and development on these soils is prohibited.

Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
)Development of this site may constitute a potential conflict with

the Baltimore County Master Plan.

)The amended Development Plan was approved by the Planning Board)Landscaping should be provided on this site and shown on the plan.
)The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service

The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
]Additional comments:

Item No. 144/145, 147, 148, 150, 151, 152, and 153 ZAC- Meeting of December 11, 198 Property Owner: Location: Existing Zoning: Proposed Zoning:

STEPHEN E. COLLINS DIRECTOR

Mr. Arnold Jablon

Zoning Commissioner

County Office Building

Towson, Maryland 21204

District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item numbers 144, 145, 147, 148, 150, 155, 152, and 153.

December 17, 1984

Dec. 19, 1984 Zoning Item # 145 Zoning Advisory Committee Meeting of Dec. 11,1984 BALTIMORE COUNTY DEPARTMENT OF HEALTH () Prior to razing of existing atructure/s, petitioner must contact the Division of Water Quality and Waste Management at 191-3768, regarding removal and/or Zoning Commissioner disposal of potentially hazardous materials and solid wastes. Office of Planning and Zoning County Office Building) Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either Towson, Maryland 21204 Zoning Item # 145, Zoning Advisory Committee Meeting of Dec. 1/ 1984 be removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Water Quality and Waste Property Owner: YVON J. Bergevin st ux Management at 191-3768. Location: E/S Greencroft Road) Soil percolation tests (have been/must be) conducted. District The results are valid until il percolation test results have expired. Petitioner should contact Water Supply __ Private - drilled well Sewage Disposal _ Private Sepric the Division of Environmental Support Services to determine whether additional tests are required. COMMENTS ARE AS FOLLOWS:) Where water wells are to be used as a source of water supply, a well meeting () Prior to approval of a Building Permit for construction, renovation and/or the minimum Baltimore County Standards must be drilled. installation of equipment for any existing or proposed food service facility, () In accordance with Section 13-117 of the Baltimore County Code, the water complete plans and specifications must be submitted to the Plans Review well yield test Section. Environmental Support Services, for final review and approval.) shall be valid until _____.
) is not acceptable and must be retested. The must be accomplished () Prior to new installation/s of fuel burning equipment, the owner should prior to conveyance of property and approv. of Building Permit contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation/s before work begins.

() A permit to construct from the Division of Air Pollution Control is required) Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples. for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts () If submission of plans to the County Review Group is required, a Hydro-geological Study and an Environmental Effects Report must be submitted. into the atmosphere.

() A permit to construct from the Division of Air Pollution Control is required (V) Others Edge of pool should be at least 15 Feet for any charbroiler operation which has a total cooking surface area of five from the edge of the septic tank and the same (5) square feet or more. distance above the dedicated sowne reserve Area. () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and If the pool deck excends were the service specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department TANK, then the observation pipe (Clean-OUT) should extend above grade and a manhole riser w/ cover of Health and Mental Hygiene for review and approval. should be used to Allow access to the tank's interior () Frior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage when maintenance is being done. facilities or other appurtenances pertaining to health and safety; two (2) OWNER should contact this office at 494-2162 copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, For further information regarding this MATTER. contact the Recreational Hygiene Section, Division of Environmental Support Services. () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health. () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements. SS 20 1082 (1)

SS 20 1283 (2) R

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500 PAUL H. REINCKE CHIEF December 18, 1984 Mr. William Hammoux Coning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, Maryland 21204 Attention: Nick Commodari, Chairman Zoning Plans Advisory Committee RE: Property Owner: Yvon J. Bergevin, et ux Location: E/S Greencroft Road 296' N. from c/l Spring Green Lane Zoning Agenda: Meeting of 12/11/84 Item No.: 145 Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property. () 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works. () 2. A second means of vehicle access is required for the site. () 3. The vehicle dead end condition shown at EXCEEDS the maximum allowed by the Fire Department. () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation. () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Pire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy. () 6. Site plans are 'pproved, as drawn. (x) 7. The Fire Prevention Bureau has no comments, at this time. Noted and Leoge M Negand Fire Prevention Bureau Special Inspection Division

December 18, 1984 Mr. Arnold Jablon, Zoning Commissioner Office of Planning and Zoning County Office Puilding Yowson, Maryland 2:20 Dear Fr. Jablen: Comments on Item # 145 Zoning Advisory Committee Meeting are as follows: Yvon J. Bergevin, et ux E/S Greencroft Road 295' N. from c/l Spring Green Lane Eristing Zoning: R.C. 4
Proposed Zoning: Variance to permit an accessory structure to be located in the side yard in lieu of the required rear yard. miscellaneous

B) A building/& other / permit shall be required before beginning construction. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/IIIII required. Fru-reproduced seals and signatures are required on Plans and Technical Data. D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application. E. An exterior wall erected within 6'0 for Commercial uses or 3'0 for One & Two Family use group of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'0 of lot lines. A firewall is required if construction is on the lot line, see Table 401, line 2, Section 1407 and Table 1402, also Section 503.2. F. Requested variance appears to conflict with the Baltimore County Building Code G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that, the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 401. 7 1. Comments - Fence shall comply with Section 627.9 of the above Code. These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room 122 (Plans Review) at 111 W. Chesapeake Ave. Charlo & Sumba

: BEFORE THE ZONING COMMISSIONER RE: PETITION FOR VARIANCE E/S of Greencroft Rd., 296 OF BALTIMORE COUNTY N of the Centerline of Spring Green La. (14009 Greencroft La.), 8th Dist. YVON J. BERGEVIN, et ux, : Case No. 85-199-A Petitioners ::::::: ENTRY OF APPEARANCE

130 85-199-A

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
People's Counsel for Baltimore County

Deputy People's Counsel Rm. 223, Court House Towson, MD 21204

I HEREBY CERTIFY that on this 28th day of December, 1984, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Yvon J. Bergevin, 14009 Greencroft Lane, Cockeysville, MD 21030, Petitioners; and Mr. Mort Spero, Maryland Pools, Inc., 5617 Baltimore National Pike, Baltimore, MD 21228, who requested notification.

E. J. KIDDIB 2 SHEEPFOLD LANE COCKEYSVILLE, MARYLAND 21030 JAN 16 AM Mr. Arnold Jablon Zoning Commissioner of Baltimore County County Office Building 111 W. Chesapeake Ave. Towson, Maryland 21204 85-199-A Dear Commissioner: As a resident of Greencroft I am opposed to the request for a variance to permit an accessory structure to be located in the side yard in lieu of the required rear yard on the Yvon J. Bergevin property located at 14009 Greencroft Lane. This is a corner lot and would locate the accessory structure between the house and the road in plain view of every car passing that corner. A structure so located would be completely out of character with the rest of the neighborhood and would detract from a fine residential community. Very Truly Yours, EKilde J. Kiddie 2 Sheepfold Lane Cockeysville, Md 21030

January 25, 1985 Mr. Arnold Jablon Zoning Commissioner 111 W. Chesapeake Ave. Towson, Maryland ZONING DEPARTMENT Dear Mr. Jablon:

As a resident of the Greencroft Community I am writing to object to the petition for variance to permit an accessory structure to be locazted on the side yard on the property of Yvon J. Bergevin 14009 Greencroft LA.

This structure would be visible to more than 85% of the residents each and every day as they enter or leave the community. I am also concerned that this may set a precedent for other residents and therefore change the overall beauty of the community. I appreciate your consideration of my objection

> Lynn H. Garcia 9 Clipping Tree La. Cockeysville, Md.

Sincerely,

ZONING DEPARTMENT Mr. Arnold Jablon, Zoning Commissioner

Re: Petition for Variance

14009 Greencroft Lane Cockeysville, 21030 85-119-A

I am writing to voice objection to the above mentioned case concerning a variance to allow a swimming pool to be placed in a side yard in lieu of the required rear yard.

Creencroft is a private community with by-laws, covenants, rules and restrictions which are most rigid. Most people feel this is protection for the investment they have made in their homes and neighborhood. There are presently three private swimming pools in Greencroft, all completely hidden from roadside view, plus a small community pool close to our entrance. If one looks at the curves and topography of the area, it becomes evident that if everyone decided to build a private pool, almost three-fifths of them would require a similar variance to allow side yards to be used. I do not feel this is what the community desires!

This letter carries no prejudice against pools, per se, but against the precedent of a variance for structural building.

Thanking you for your consideration, Kiscila F. Bucci. Priscilla F. Barrett Lot# 24, Greencroft

1 Spring Green Lane

January 23, 1985

Towson, MD 21204

Dear Mr. Jablon,

Cockeysville, MD 21030

County Office Building

111 W. Chesapeake Avenue

Mrs. Richard W. Vohrer 4 Sheepfold Lane Hunt Valley, Maryland 21059 January 25, 1985 Mr. Jablow III Nest Checapeake live. Jowson, maryland 21204 Dear Mr. Jablon: ZONING DEPARTMENT

I am writing to you in reference to the zoning variance heaving scheduled for January 30 concerning the bergeven's property in greencroft. They husband and I are against this charge in zoning because we feel it would be a precedent for the community

CERTIFICATE OF POSTING 85-199-A Date of Posting 1-12-F5 Posted for: ___________ Petitioner: Yven & Bergevin et up

Location of property: E/S Leverorift Roll, 296'N of the Chlof

Apring Leen Lune (14009 Freencroft Roll)

Location of Signs: E/S of Levencroft Rock in front of 14009 Date of return: 1-18-85 Number of Signe: _

CERTIFICATE OF PUBLICATION January 10 19 85 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County Md., appearing on THE JEFFERSONIAN, 18 Venetorli Cost of Advertising 20 ∞

and eventually, people would begin to violate the bylaws of the greencroft Community Ossociation. We bought our lone here because it is a lovely, rural community and we would like it to sky that way. Please give this some Consideration before granting the variance. Respectfully, Susan Stoker

PETITION FOR VARIANCE Sth Election Disertor	
LOCATION: East side of Greenorsh Road, 286 feet North of the centerline of Spring Green Lane (14008 Greenorsh Lane)	85-199-4
DATE AND TIME: Wednesday, January 30, 1802 81 10:16 s.m. PUBLIC HEARING: Room 105, County Office Building, 111 West Chesrpeake Avenue, Towers, Meryland	Towson, Md198
The Zoning Commissioner of Bullimore County, by suthority of the Zoning Act and Regulatious of Baltimore County, will hold a public hearing:	THIS IS TO CERTIFY, that the annexed advertisemen
Petition for Variance to permit an accessory structure to be located in the elde yard in tiss of the required near yard.	was published in the TOWSON TIMES, a weekly new paper distributed in Towson, Baltimore County. Md
Boing the property of Yvon J. Bergevin, et ut as shown on the plat thed with the Zoning Citics. In the event that this Politics is gravied, a	once a week for consecutive weeks, the first publication appearing on the day of
telfding permit may be bound within the thirty 30) day appeal period. The Zoning Commis- sionar will, however, entertain any request for a tany of the lessance of each purned during the	
period for good cause shown. Such request must be received in arting by the date of the hearing let above or made at the hearing.	
BY ORDER OF AMOULD JABLON 20HR:3 COMMISSIONER OF BALTIMORE COUNTY	The TOWSON TIMES
11830L87480 1/8	Cost of Advertisement: \$_25.99

FROM: Maryland Fools

FOR Pastery Vador 85-191-A

Baltimore, Maryland 21228

BALTIMORE COUNTY, MARYLAND

OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

1/4 18 185-199-A Mr. and Mrs. Yvon J. Bergevin 14009 Greencroft Lane Cockeysville, Maryland 21030 NOTICE OF HEARING

RE: Petitica for Variance

E/S Greencroft Ed., 296' N of the

c/l of Spring Green Lane (14009 Greencroft Lane)

Yvon J. Bergevin, et ux - Petitioners

Case No. 85-199-A ZONING DEPARTMENT January 25, 1985 Mr. Arnold Jablon Zoning Commissioner of Baltimore County County Office Building TIME: 10:15 a.m. DATE: Wednesday, January 30, 1985 111 W. Chesapeake Avenue Towson, MD 21204 PLACE: Room 106, County Office Building, 111 West Chesapeake Dear Mr. Jablon: BALTIMORE COUNTY, MARYLAND I understand that Mr. Yvon Bergevin, a resident of Greencroft, has requested a variance to construct a swimming pool on the side of his house, located at 14009 Greencroft Lane. While I don't like to be at odds with my neighbors, I feel that this proposal would be inappropriate for the development. The property is located at our most heavily traveled corner; and the pool and/or its enclosure would be quite visible from the road. Further, I believe that the 'uncluttered' character of the neighborhood, resulting from the large distance between homes, would be severely compromised. Your experience and good counsel in this matter are greatly appreciated. OFFICE OF FINANCE - REVENUE DIVISION No. 135869 MISCELLANEOUS CASH RECEIPT K-01-615-000 good counsel in this matter are greatly appreciated. 6 D25******35D0## \$27#F Sincerely, Maryland Pools, Inc. 5617 Baltimore National Pike Jeffrey Foreman Baltimore, Maryland 21228

vertising and posting
sign until day of hearing. y, Maryland, and
County Office Building,
BLON missioner

		News Control of the C					
LEGAL DESCRIPTION					PETITION FOR V	VARIANCE	
		after a special section of the secti			8th Election I	District	
BEGINNING on the east side of Greencr of 296' + north of the centerline of Plat 2, Section 1 in the subdivision Also known as 14009 Greencroft Lane i	Spring Green Lane, being Lot 21, of "Greencroft", Book No. 37, Folio 66.	is disputation of the Michigan Profession of the Section of the Se		LOCATION:	East side of Greer the centerline of Greencroft Lane)	ncroft Road, 296 feet N Spring Green Lane (140	orth of 19
				DATE AND TIME:	Wednesday, January	y 30, 1985 at 10:15 a.m	•
		general servers of		PUBLIC HEARING:	Room 106, County Avenue, Towson, M	Office Building, 111 We	est Chesapeake
		and the second s	•	The Zoning Commission Regulations of Balti	oner of Baltimore Coun more County, will hol	nty, by authority of the	Zoning Act and
						an accessory structure u of the required rear	
		e Mader Mounts at 15		~~			
en e				en e			
. Programme in the second seco							
		A en Charles		Being the property of the plat filed with	of Yvon J. Bergevin, of the Zoning Office.	et ux -	as shown on
				Room create priorities of	is Petition is grante appeal period. The Z a stay of the issuantich request must be remade at the hearing.	d, a building permit ma oning Commissioner will ce of said permit durin eceived in writing by t	y be issued within . , however, enter- g this period for he date of the
						BY ORDER OF ARNOLD JABLON ZONING COMMISSIONER OF BALTIMORE COUNTY	
		でいたが		•			•
							# ** 1 - **

Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * *

The Petitioners herein request a variance to permit an accessory structure (swimming pool) in the side yard instead of the required rear yard, as more particularly described on Petitioners' Exhibit 1.

The Petitioners, by their Contractor, Mort Spero of Maryland Pools, Inc., appeared and testified. Lynn H. Garcia and Virginia Statler, neighbors, appeared and testified as Protestants. Several other neighbors wrote letters of protest.

Testimony indicated that the subject property, zoned R.C.4, is bounded on

the front and western side by Greencroft Lane which curves around the lot and makes it semi-circular in nature. The lot is 299 feet, more or less, in the rear; 201 feet, more or less, on the east property line; 287 feet, more or less, in the front on Greencroft Lane; and 154 feet, more or less, on the side bounded by Greencroft Lane. The front of the house faces toward the longer boundary line of Greencroft Lane, and the proposed 19' x 34' pool would be loon the side of the house facing toward the shorter boundary line of Green-Lane. It would be difficult to construct it in the rear due to a very o hill which has an increase in grade of approximately 16 feet, more or over a span of 65 feet, more or less, and an existing well, as shown on Petitioners' Exhibit 1. Additionally, Mr. Spero testified that to build the in the pear would cost approximately \$30,000 due to the grade and the

necessity of cutting into the hill. Although there is a steep grade to the side of the house, it is not as severe as the rear and would not require the expanse of work needed to locate it in the rear. Mr. Spero believes the pool will add value to the properties in the community, which comprise 78 developed lots out of 81 lots.

The Protestants argued that the pool would severely diminish their property values if allowed in the side yard and would establish a negative precedent. There are approximately four pools presently in the community with another two or three ready to be built, all located in the rear yard. The Protestants are also opposed to the aesthetics of allowing the pool in this side yard which would be seen by over 80% of all automobiles us. g Greencroft Lane. Due to the terrain of the neighborhood, the pool would always be seen from Greencroft Lane, thereby creating an unsightly and displeasing initial view of the devlopment which is made up of large homes and expansive lots.

The Petitioners seek relief from Section 400.1, pursuant to Section 307. Baltimore County Zoning Regulations (BCZR).

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief: and
- whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance were granted, such use as proposed here would be contrary to the spirit and intent of the BCZR and would result in substantial detriment to the public good.

Although the cost of locating the pool in the rear yard was estimated by Mr. Spero, no cost was quoted for locating it in the side yard; therefore, no comparison can be made. There are topographical and physical features inherent to this property that are difficult to overcome; however, it seems they exist to some degree everywhere on the site. The severe topography does not prevent the property from being used for a permitted purpose, i.e., a pool in the rear yard. See Anderson, supra. Cost simply is not enough to justify the variance here.

After due consideration of the testimony and evidence presented, it is clear that no practical difficulty would result if the requested variance were denied. It has been sufficiently established that the requirement to locate the pool in the rear yard would not unduly restrict the use of the property for its intended permitted purpose nor would it render conformance unnecessarily burdensome.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, day of February, 1985, that the Petition for Zoning Variance to rait an accessory structure (swimming pool) in the side yard instead of the reprired rear yard be and the same is hereby DENIED.

Mr. & Mrs. Yvon J. Bergevin Ms. Lynn H. Garcia People's Counsel

February 14, 1995

\$ 50.44

Ivon J. Bergevin Refund of Miscellaneous Cash Receipt 1/009 Greencroft Lane No. 004966 (Overpayment)

Cockeysville, Haryland 21030 Case No. 85-199-A

Yvon J. Bergevin, et ur, Petitioners

R-01-615-000

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

No. C04966

DATE 8/8/92 2/5/85 ACCOUNT R-01-515-900

AMOUNT \$ 50.44

Acceived Yvon J. Bergevin

FOR: ____ divertising and posting 85-199-A

B 8613******50A41a 8056F

VALIDATION OR SIGNATURE OF CASHIER

), Zoning Commissioner February 14, 1985

ER RECEIVED

